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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,836	02/11/2004	Joseph El-Hindi	131P008	3016
28264	7590	12/14/2005	EXAMINER	
BOND, SCHOENECK & KING, PLLC ONE LINCOLN CENTER SYRACUSE, NY 13202-1355			KIM, YOON YOUNG	
			ART UNIT	PAPER NUMBER
			1723	

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/776,836

Applicant(s)

EL-HINDI, JOSEPH

Examiner

Yoon-Young Kim

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Lippert et al., U.S. Patent No. 5,876,471.

Regarding Claim 1, Lippert discloses a vessel for filtering oil, comprising: a frame (#22) defining at least one compartment; a rack (#54) removeably positioned within the compartment; and at least one candle housing (#50, 52) removeably positioned in the rack.

Regarding Claim 2, Lippert discloses a plurality of filter elements (#28) suspended in the candle housing.

Regarding Claim 5, Lippert discloses that the rack comprises a hollow tube (#54).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 3-4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lippert in view of Trotzki et al., Pub. No. US 2002/0158002 A1.

Regarding Claim 3, Lippert discloses a mounting plate (#52) but does not disclose a chamber above the mounting plate. Trotzki teaches filter comprising a candle housing including a mounting plate (#5) defining a chamber (#7). It would have been obvious to one of ordinary skill in the art to modify Lippert in view of Trotzki in order to divide the compartment into different chambers (Paragraph 29).

Regarding Claim 4, Trotzki discloses that the filter element includes a permeable core (#15) that is threadably engaged to the mounting plate (Paragraph 36) and is in fluid communication with the chamber.

Regarding Claim 6, Lippert in view of Trotzki discloses that the chamber ('002, #7) is in fluid communication with the rack ('471, #54) when the candle housing ('471, #50,52) is positioned in the rack.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lippert in view of Tominari et al., U.S. Patent No. 5,833,848.

Regarding Claim 7, Lippert discloses a vessel for filtering oil, comprising: a frame (#22); an inlet pipe (#25); a tubular rack (#54); at least one candle housing (#50, 52) including a plurality of filter elements (#28) removeably positioned in the rack and in fluid communication with the rack; and an outlet pipe (#46). However, Lippert does not disclose male and female connectors. Tominari teaches a filter with male and female connectors (Fig. 3). It would have been obvious to one of ordinary skill in the art to modify Lippert with the element of Tominari because it is a method of coupling common in the filter art.

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6. Claims 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lippert in view of Tominari as applied to Claim 7 above, and further in view of Trotzki.

Regarding Claim 10, Lippert discloses a mounting plate (#52) but does not disclose that it is threadably engaging the filter elements. Trotzki teaches a filter elements threadably engaged to the mounting plate (Paragraph 36). It would have been obvious to one of ordinary skill in the art to modify Lippert in view of Tominari with the element of Trotzki because it is a method of attachment common in the filter art.

Regarding Claim 11, Trotzki discloses that candle housing defines a chamber (#7) above the mounting plate (#5) that is in fluid communication with the filter elements (#12).

Regarding Claim 12, Lippert in view Tominari, and in further view of Trotzki discloses that the chamber ('002, #7) is interconnected to and in fluid communication with the rack ('471, #54).

Regarding Claim 13, Trotzki discloses that the filter element includes a permeable core (#15) surrounded by compressed filter media (#12).

Regarding Claim 14, Trotzki discloses that the core (#15) is threadably engaged to the mounting plate (Paragraph 36).

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lippert in view of Tominari as applied to Claim 7 above, and further in view of Wilkie et al., U.S. Patent No. 6,221,266 B1.

Regarding Claim 8, Lippert discloses a sludge purge line (#42) positioned in the bottom of said the compartment and an overflow line (#36) positioned in the top of the compartment but does not disclose an air purge line. Wilkie teaches a filter comprising air purge lines (#68). It

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would have been obvious to one of ordinary skill in the art to modify Lippert in view of Tominari with the element of Wilkie in order to purge the trapped air (Col. 8, Lines 12-15).

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lippert in view of Tominari, and in further view of Wilkie as applied to Claim 8 above, and further in view of Monsarrat et al., U.S. Patent No. 2,278,148.

Regarding Claim 9, Lippert in view of Tominari, and in further view of Wilkie does not teach a door or a handle. Monsarrat teaches a filter comprising a door for enclosing a compartment and a handle attached to a door (Fig. 1). It would have been obvious to one of ordinary skill in the art to modify Lippert in view of Tominari, and in further view of Wilkie because it is an apparatus common in the filter art.

9. Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lippert in view of Tominari as applied to Claim 7 above, and further in view of Johnson, U.S. Patent No. 1,873,594.

Regarding Claim 15, Lippert in view of Tominari does not disclose a header. Johnson teaches a filter comprising headers (#11) interconnected to the inlet pipe (#6). It would have been obvious to one of ordinary skill in the art to modify Lippert in view of Tominari with the element of Johnson in order to distribute the incoming fluid uniformly throughout (Col. 2, Lines 54-66).

Regarding Claim 16, Lippert discloses a sloped floor pan (#40).

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10. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lippert in view of Tominari as applied to Claim 7 above, and further in view of Zievers et al., U.S. Patent No. 5,152,815.

Regarding Claim 17, Lippert in view of Tominari does not disclose a plurality of compartments. Zievers teaches a filter comprising a plurality of compartment (#12). It would have been obvious to one of ordinary skill in the art to modify Lippert in view of Tominari with the element of Zievers because they are both filters with multiple racks with a plurality of filters used in similar environments to filter similar fluids.


### ***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yoon-Young Kim whose telephone number is (571) 272-2240. The examiner can normally be reached on 8:30-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on (571) 272-1151. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YK  
12/12/05

  
W. L. WALKER  
SUPERVISORY PATENT EXAMINER  
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